

ORIGINAL

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF DELAWARE**

Roland C. Anderson,
Plaintiff

vs.

General Motors Corporation,
Defendant

C.A. NO # 05-877-807

FILED
CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2007 DEC 11 PM 2:49

Motion for Summary Judgment

1. Their introduction for C.A. 06-669-JJF is a moot point. There is still an order from Honorable Judge Farnan clearly states for 06-669-JJF on its face. Hereafter, Court pleading and documents shall be filed only in Civil Action No. 05-877-JJF.

The Court will not accept pleading filed in Civil Action No. 06-669-JJF. G.M. clearly on its face violated his Order. Your Honor, I would like the Court's permission if necessary for summary judgment, 1.3 as well. See Docket sheet attached, No. 63, due date November 8, 2007, for Motion for Summary Judgment. (A-30)

Your Honor, I would like to respond to their motion for case No. 06-669-JJF, but can't because of said Order; on February 22, 2007, (will not accept pleading C.A. 06-669-JJF).

G.M. violation (Rules and Order, your deadlines) Del. Founding and false information G.M. has done I am entitled for Summary Judgment. Also Rule 55, 1.3 or what this Court deems fit for costs and Court cost. How can that ask for summary judgment when your order clearly states you will not accept pleading file in civil. Action No. 06-669, but Defendant did not obey your (orders and deadlines) which is govern by your order/ruling law.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROLAND C. ANDERSON,

Plaintiff

v.

GENERAL MOTORS CORPORATION,

Defendant.

Civil Action No. 06-669 JJF ✓

**GENERAL MOTORS CORPORATION'S MEMORANDUM
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT**

Michael G. Busenkell (Del. Bar #3933)
Margaret F. England (Del. Bar #4248)
Eckert Seamans Cherin & Mellott, LLC
300 Delaware Avenue, Suite 1210
Wilmington, DE 19801
Telephone: (302) 425-0430
Telecopier: (302) 425-0432

Michael A. Williams MO BAR #47538
Lathrop & Gage L.C.
2345 Grand Boulevard
Suite 2800
Kansas City, Missouri 64108-2684
Telephone: (816) 292-2000
Telecopier: (816) 292-2001

Attorneys for Defendant

Also in Fact G.M. Violated Rule 3.4 (Fairness to opposing party)
And counsel

A Lawyer Shall NOT:

(A) Unlawfully obstruct Another party's ACCESS to
Evidence or unlawfully alter, destroy or conceal A
document or other material Having potential evidentiary
Value. As you are aware G.M. never gave me;
And that Court By Award of Subpoena In This (civil)
CASE, for Oct. 31, 07. (Motion for Summary Judgment).
So attach copy sign By Deputy Clerk, for my discovery
I which was to been - Due NO Later than NOV. 8-07
Deadline.

AO88 (DE Rev. 01/07) Subpoena in a Civil Case

Issued by the
UNITED STATES DISTRICT COURT
 DISTRICT OF DELAWARE

Roland E. Anderson
 V.

SUBPOENA IN A CIVIL CASE

General Motors Corp.

Case Number: *CA 05-0877*

TO: *MICHAEL WILLIAM E MICHAEL BURELL*
300 Delaware Avenue, Suite 1210
W.D. Del. 19801

☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

List of All Employee Hire From 1982 until Oct. 07 / And those Hired
(To) United State District Court / 4844 N. King Str.
W.D. Del. 19801 / Time 4:00 PM - Date Oct 31, 07

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Peter T. Dallo *Deputy Clerk*

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

PETER T. DALLEO

(802) 573-6170

(See Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (e), on next page.)

If action is pending in district other than district of issuance, state district under case number.

10/03/2007	<u>58</u>	NOTICE to Take Deposition of Roland C. Anderson on October 24, 2007 at 9:00 a.m. by General Motors.(Busenkell, Michael) (Entered: 10/03/2007)
10/11/2007	<u>59</u>	USCA Order Terminating Appeal as to <u>51</u> Notice of Appeal filed by Roland C. Anderson. USCA Decision: Appeal Dismissed for lack of appellate jurisdiction. (pr,) (Entered: 10/11/2007)
10/12/2007	<u>60</u>	RESPONSE to Discovery Request filed by Roland C. Anderson.(rwc) (Entered: 10/12/2007)
10/19/2007	<u>61</u>	Document titled "Motion to this Court/Violation of Judge's Order", construed as OBJECTIONS to <u>58</u> Notice to Take Deposition - filed by Roland C. Anderson. (rwc) (Entered: 10/19/2007)
10/22/2007	<u>62</u>	MOTION for Extension of Time to Complete Discovery <i>and file Motion for Summary Judgment</i> - filed by General Motors. (England, Margaret) (Entered: 10/22/2007)
10/23/2007	<u>63</u>	ORDER granting <u>62</u> MOTION for Extension of Time to Complete Discovery <i>and file Motion for Summary Judgment</i> filed by General Motors. Setting Scheduling Order Deadlines Discovery due by 11/8/2007., Dispositive Motions due by 12/7/2007. Signed by Judge Joseph J. Farnan, Jr. on 10/23/07. (dab) (Entered: 10/23/2007)
10/24/2007	<u>64</u>	MOTION for Extension of Time to Complete Discovery until at least December 7, 2007 - filed by Roland C. Anderson. (bkb) (Entered: 10/24/2007)

P.O. Box 391
 Wilmington, DE 19899-0391
 (302) 571-6600
 Email: tcheek@ycst.com
TERMINATED: 11/08/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Margaret Fleming England
Eckert Seamans Charin & Mellott, LLC

300 Delaware Avenue
 Suite 1360
 Wilmington, DE 19801
 (302) 425-0430
 Fax: (302) 425-0432
 Email: mengland@eckertseamans.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/07/2007	●	Remark : Notice Regarding filing of documents containing Personal Information was mailed to plaintiff by the Clerk's Office - re: <u>70</u> Sealed Exhibit. (rwc) (Entered: 11/07/2007)
11/07/2007	● <u>70</u>	SEALED EXHIBIT -(Deposition Exhibit - "Seniority List") - re <u>69</u> Facts Discovery - filed by Roland C. Anderson. (Placed under seal by Clerk's Office). (rwc) (Entered: 11/07/2007)
11/07/2007	● <u>69</u>	Document titled " Facts Discovery" - filed by Roland C. Anderson.(rwc) (Entered: 11/07/2007)
11/06/2007	● <u>71</u>	Letter to Roland C. Anderson from Teresa Koenig, DE Dept. of Labor, rec'd 11/6/07 regarding subpoena for records received. (rwc) (Entered: 11/07/2007)
10/30/2007	● <u>68</u>	Letter from Roland Anderson dated 10/25/07 enclosing "Building Log" claiming that defense counsel did not show for deposition. (rwc) (Entered: 10/31/2007)
10/30/2007	● <u>67</u>	MOTION for Extension of Time to take Deposition - filed by Roland C. Anderson. (rwc) (Entered: 10/31/2007)
10/30/2007	●	SO ORDERED, re <u>65</u> MOTION for Pro Hac Vice Appearance of Attorney of Michael A. Williams of Lathrop & Gage L.C. filed by General Motors. Signed by Judge Joseph J. Farnan, Jr. on 10/30/07. (dab) (Entered: 10/30/2007)
10/26/2007	●	Remark: Per telephone conversation with Roland Anderson, it has been noted that a jury demand was listed on the Civil Cover Sheet (DI 2). The docket has been corrected to reflect the plaintiffs jury demand. (ead) (Entered: 10/26/2007)

EXH

in the Consolidated Action.

5. Hereafter, Court pleadings and documents shall be filed only in Civil Action No. 05-877-JJF. The Court will not accept pleadings filed in Civil Action No. 06-669-JJF. ✓

Joseph J. Fama, Jr.
UNITED STATES DISTRICT JUDGE

E

B7A

Order also

(588-3)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ROLAND C. ANDERSON, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 05-877-JJF
 :
 GENERAL MOTORS, :
 :
 Defendant. :

ROLAND C. ANDERSON, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 06-669-JJF
 :
 GENERAL MOTORS, :
 :
 Defendant. :

O R D E R

Plaintiff Roland C. Anderson filed two lawsuits pursuant to 42 U.S.C. § 2000 et seq. as captioned above. In both cases Plaintiff proceeds pro se and was granted permission to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The Complaints in Civil Action Nos. 05-877-JJF and 06-669-JJF, involve similar allegations of employment discrimination and retaliation against the same Defendant, General Motors. Federal Rule of Civil Procedure 42 provides for consolidation "[w]hen actions involv[e] a common question of law or fact. . .to avoid

unnecessary costs or delay." Fed. R. Civ. P. 42(a). "District courts have the inherent authority to order consolidation sua sponte." Plimpton v. Cooper, 141 F. Supp. 2d 573, 575 (W.D. N.C. 2001) (citing Pickle v. Char Lee Seafood, Inc., 174 F.3d 444 (4th Cir. 1999)). Both Complaints concern common questions of law and fact and are brought against the same Defendant.

At Wilmington this 22 day of February, 2007, IT IS THEREFORE ORDERED that:

1. Civil Action Nos. 05-877-JJF and 06-669-JJF are **CONSOLIDATED** for all purposes.
2. The caption of the Consolidated Action is as follows:

ROLAND C. ANDERSON,	:	
	:	
Plaintiff,	:	
	:	CONSOLIDATED
v.	:	Civil Action No. 05-877-JJF
	:	
GENERAL MOTORS,	:	
	:	
Defendant.	:	

3. The Complaint (D.I. 2) filed in Civil Action No. 05-877-JJF, and the Complaint (D.I. 2) filed in Civil Action No. 06-669-JJF, together will stand as the Complaint in this Consolidated Action.

4. All documents previously filed to date in the cases consolidated herein are deemed filed and are part of the record

in the Consolidated Action.

5. Hereafter, Court pleadings and documents shall be filed **only** in Civil Action No. 05-877-JJF. The Court will not accept pleadings filed in Civil Action No. 06-669-JJF. ✓


UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF DELAWARE**

Roland C. Anderson, :
Plaintiff :
 :
vs. : **C.A. NO. 05-877-JFF**
 :
General Motors Corporation, :
Defendant :
_____ :

**Motion for Extension of time R. 16.5 to file for Summary Judgment (only) and to
respond to their Motion within 35 days or less for C/A. 05-877-JFF**

IF NECESSARY By The Court.

Thank you,

Roland C. Anderson
113 Lloyd Street
Wilmington, DE 19804

Certificate of Service
To Honorable Judge Farnan
Michael G. Busenkell
Michael A. William
Eckert S. Jamans Cherine Merkott
300 Delaware Ave., Ste. 1210
Wilmington, DE 19801

Conf. of SERVICES

TO Honorable Judge Joseph FORMAN B, ✓
of DIST. Court of The State of Delaware

Michael Busentell
Berkert & Associates Charin & Melott, LLC
300 Delaware Avenue
Suite 1360
Wilmington, Del. 19801

Thank you
Ramon C. Anderson
1734 Log D. BDR
Wd, Del. 19804
(302)-794-0914

Date 12-9-07

Ramon C. Anderson